UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW GEHRINGER,
RACHELLE GEHRINGER
and PREMIER ANIMAL
ATTRACTIONS, INC.,

          Plaintiffs,

v.

ROBERT DEPALMA and
TOWNSHIP OF
GROVELAND,

          Defendants.

_____/

Case No. 2:15-cv-11740
District Judge Paul D. Borman
Magistrate Judge Anthony P. Patti

**NOTICE OF HEARING ON PLAINTIFFS' MOTION TO DISMISS (DE 26)
and ORDER SETTING PREREQUISITES FOR ORAL ARGUMENT**

The Court having reviewed the briefs of the parties with respect to the above-referenced motion, and determining that the Court needs additional information in order to make its report and recommendation, the Court orders the following:

1. The parties shall appear for oral argument on Plaintiffs' pending motion to dismiss (DE 26) at a hearing to be held in the courtroom of the undersigned judicial officer, on the sixth floor of the Theodore Levin United States Courthouse in Detroit, on **Wednesday, May 18, 2016 at 11:00 a.m**.

2. Prior to appearing for the hearing, the parties must comply with subpart (E) of my "Motion Practice" guidelines, which appear on the Court's website

(www.mied.uscourts.gov), by continuing "to discuss resolution of their

dispute" and filing a "Statement of Resolved and Unresolved Issues" with

the Court, which <u>specifically and separately</u> addresses each request for legal

or equitable relief which has been pleaded by the respective parties (*see* DE

4 ¶¶ 36, 43, 48, 53 & 59 and DE 14 at 11-12 ¶¶ A-H) and either stipulates to

the mootness of the request or briefly explains the bases for the respective

parties' opposing positions with respect to mootness. The parties must also

inform the Court as to whether the counter defendants agree that the

operation of any exotic animal business on the subject property in the future

would violate the "Dangerous, Wild or Exotic Animals" Groveland

Township ordinances at issue in this case (§§ 54 – 1111 - 54-1116) (DE 31-

2) and/or the Rural Estate/Farm (RE/F) District Groveland Township zoning

ordinances at issue in this case (§§ 54 – 111 – 54-115) (DE 31-1). The page

limitation for this combined document is extended from the usual 5 pages to

7 pages.

3. In addition to the items which must be addressed in the joint Statement of

   Resolved and Unresolved Issues, at oral argument: (a) Plaintiffs should be

   prepared to explain whether the animals identified in ¶ 9 of the First

   Amended Complaint (DE 4) meet the definition of "farm products," as set

   forth in the Michigan Right to Farm Act, Mich. Comp. Laws §§ 286.471, *et*

seq.; and (b) Defendants should be prepared to explain whether any of their counterclaims can remain pending for independent adjudication in the absence of Plaintiffs' claims, pursuant to Fed. R. Civ. P. 41(a)(2).

4. Plaintiffs must permit Defendants' representative and their counsel to inspect and photograph the "Subject Property" (*see* DE 14 at 3) on a mutually agreeable date and time, but in no case later than **May 12, 2016 at 5:00 p.m.** Any photographs taken by Defendants at this inspection must be provided to Plaintiffs and this Court, sufficiently in advance of the hearing by way of electronically filed supplemental exhibits with an authenticating declaration.

5. Finally, Plaintiffs must provide to Defendants and this Court, sufficiently in advance of the hearing by way of electronically filed supplemental exhibits with an authenticating declaration, at least 10 representative photographs of their present exotic animal operation in Roscommon, Michigan, and are encouraged, but not required, to permit Defendants' counsel to personally inspect those operations, in an effort to provide adequate assurances that the exotic animal operation has been permanently removed from Groveland Township.

IT IS SO ORDERED.

Dated: May 4, 2016   s/Anthony P. Patti

                                      Anthony P. Patti
                                      UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on May 4, 2016, electronically and/or by U.S. Mail.

                                      s/Michael Williams

                                      Case Manager for the
                                      Honorable Anthony P. Patti